

**McSherrystown, Pennsylvania**  
**Borough Council Meeting**  
**July 29, 2020**

Council of the Borough of McSherrystown met at 7:00 p.m. on Wednesday, July 29<sup>th</sup>, 2020 in the Municipal Building at 338 Main St. McSherrystown, Pennsylvania with President William Smith presiding. The meeting was closed to the public due to COVID-19 restrictions. It was streamed live via Community Media of South-Central PA with question and comment opportunities available via email and voicemail as advertised on the Borough website prior to the meeting.

President Smith led the Pledge of Allegiance to the Flag of the United States of America and the Invocation for Divine Guidance.

Present on roll call were the following members of Council constituting a quorum: William F. Smith, Daniel P. Colgan, Lisa B. Koontz, Mark A. Lookenbill, Joyce E. Murren, and Joseph E. Vonsas.

Steven J. Pascoe was absent.

Other Borough Officials in attendance:

Justin M. George, Esq. – Solicitor

Gerald C. Walmer – Secretary/Treasurer

Mayor Anthony J. Weaver was absent.

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**Minutes:**

Councilmember Colgan made a motion to approve the meeting minutes from the July 8<sup>th</sup> regular council meeting. He was seconded by Councilmember Murren.

Roll call vote results were as follows:

William F. Smith (Yes)

Daniel P. Colgan (Yes)

Lisa B. Koontz (Yes)

Mark A. Lookenbill (Yes)

Joyce E. Murren (Yes)

Stephen J. Pascoe (Absent)

Joseph E. VonSas (Yes)

With a majority vote, the motion carried.

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**Communications / Notifications:**

President Smith announced that an executive session of the Borough Council had been held on July 8<sup>th</sup> preceding the regular meeting regarding policies and procedures of employees

## Minutes – Borough Council Meeting – July 29, 2020

consistent with section 708(A)-1 of the Sunshine Act for personnel issues related to hiring a new manager.

President Smith also announced that an executive session of the Borough Council was held on the evening of July 27<sup>th</sup> regarding policies and procedures of employees consistent with section 708(A)-1 of the Sunshine Act.

President Smith read an email received from Jason Mangus of Hanover. Mr. Mangus stated in his email that he had great concern about the anti-discrimination ordinance proposed by the Hanover Area Diversity Alliance. Mr. Mangus stated the reasons for his opposition to the ordinance proposal and his opposition to the group. He intends to get the word out about the matter and attend future Council meetings.

President Smith read an email from Sidney Reese in which she requested to know when matters related to the Hanover Area Diversity Alliance's proposed ordinance would be discussed. Specifically, when and where meeting agendas would be posted for upcoming Council meetings and if they would be open to in-person public participation. President Smith stated that he relayed to her that the Borough website would provide the requested information.

President Smith said that he had received additional documents pertaining to Hanover Area Diversity Alliance's proposed ordinance. The documents are to be reviewed in conjunction with legal council to find the best path forward.

An email from Joe Malda of Met-Ed was received according to President Smith. The email addressed the recent power outage in McSherrystown due to a lightning strike. A complete upgrade of the substation in the Borough was taking place to better serve businesses and residents, which will be completed in early August. Tree trimming by Met-Ed will also take place before the end of the year.

President Smith remarked that correspondence had been received from The Adams County Transportation Planning Organization (ACTPO) earlier in the day. The subject of the correspondence was to be reviewed and discussed at the next council meeting.

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### **Reports:**

Building and Grounds Committee Chairwoman Murren mentioned the deteriorated condition of the dugout roofs at the Fairview Avenue ball fields. She believes that they should be removed and replaced because of the danger they pose. Councilmember Murren requested volunteers from the community to assist with the removal of the old roofs.

## Minutes – Borough Council Meeting – July 29, 2020

Civil Service Committee Chairman Lookenbill reported that the Civil Service Committee had met to review the Civil Service rules and regulations to which various changes had been made. According to Councilmember Lookenbill, a revised document should be ready for a vote by the entire Council in September after an evaluation of the changes is completed by Solicitor George.

Councilmember Lookenbill announced that Officer Herring had completed her probationary period and was now a permanent hire to the McSherrystown Police Department.

Finance Committee Chairman Lookenbill stated that preliminary work had begun on the 2021 budget. Five-year actuals were being conglomerated for historical, budgetary reference.

President Smith asked if the forfeiture money received from the Department of Homeland Security had been allocated correctly. Secretary/Treasurer Walmer noted that the money had been deposited into the General Fund and that it was posted to the Miscellaneous Income line for financial reporting purposes. After a discussion regarding general donations to the Police Department, K9 specific donations, and forfeiture funds received from the Department of Homeland Security, it was decided that a separate bank account for those funds is to be established with individual line items to track income and expenses.

Councilmember Colgan moved a motion to open a restricted bank account with forfeiture funds received from the Department of Homeland Security, general donations to the police department, and donations received for the K9 program. Related income and expenses are to be tracked with individual line items. He was seconded by Councilmember Murren.

Roll call vote results were as follows:

William F. Smith (Yes)

Daniel P. Colgan (Yes)

Lisa B. Koontz (Yes)

Mark A. Lookenbill (Yes)

Joyce E. Murren (Yes)

Stephen J. Pascoe (Absent)

Joseph E. VonSas (Yes)

With a majority vote, the motion carried.

Highway Committee Chairman Colgan commented that he had received follow-up from McSherrystown resident John Sherdel about the leaky storm water pipe that runs through his property. A proposal was received from the Borough engineer to address the storm water issue on Mr. Sherdel's property. Alternatives were being looked into according to Councilmember Colgan. Littlestown has offered to camera the line free of charge to evaluate the condition of the pipe and possible solutions. Short and long-term solutions

## Minutes – Borough Council Meeting – July 29, 2020

will be evaluated once the pipe is inspected thoroughly.

Councilmember Colgan requested that the Safety Committee, in conjunction with the Police Department, explore recommendations for alleviating traffic related issues on Main St. at the East side of town. Councilmember Murren agreed to look into the matter. Councilmember Colgan will continue conversations with local representatives and PennDOT.

Councilmember Colgan remarked that spraying for weeds will begin over the next few weeks.

Planning and Zoning Committee Chairman Colgan said that high weeds at residential properties were being addressed by Chief Woods. Properties that are out of compliance have been and will continue to be addressed. Zoning issues were being addressed at the property located at the corner of South Street and Oxford Avenue. Two properties running businesses without variance approval in the alley between South Street and Main Street are to have cease and desist letters sent according to Councilmember Colgan.

Councilmember Colgan inquired about an uninspected or unregistered vehicle located in the 200 block of North Street. Chief Woods is to find out if a citation was issued to the owner of the vehicle.

Personnel Committee Chairman Smith said that a discussion took place during the executive session held on Monday regarding the appointment of T.J. Murren as McSherrystown's zoning officer. Chairman Smith, in full disclosure, let it be known that T.J. Murren was the son of Councilmember Joy Murren. A timeline for background checks, qualifications, and clearances was unknown according to Chairman Smith. Solicitor George advised that an interview should take place, a pay rate established, and a determination of expected work hours be made before an appointment by Council took place. In addition, Mr. Murren would need to step-down from the Zoning Hearing Board with Council's approval before the appointment could take place. Chairman Smith agreed to address the matters discussed with the Personnel Committee.

Chairman Smith said that information was being gathered for the hiring of a Borough Manager from the current staff. The expectation is that four weeks of information gathering would lead to a cataloguing of skills and duties necessary for hiring a new manager. Mayor Weaver and Chairman Smith will work in tandem to craft an employee handbook.

Recreation Committee Chairwoman Murren remarked that Mr. Messersmith submitted a check to cover the material cost of the waterline installation at the McSherrystown dog park. In addition, Chairwoman Murren announced that Aaron Adams' Eagle Scout project at the Main Street Park had been completed.

## Minutes – Borough Council Meeting – July 29, 2020

A letter from Joseph Cooper was given to Chairwoman Murren regarding work he intended to do at the south side of the Main Street, but a response was never received after an email was sent.

COVID-19 waivers had not yet been received from the two baseball teams and the youth football team who intend to practice on Borough fields according to Councilmember Murren. Chief Woods offered to make contact with the parties involved towards having the waivers completed and submitted.

Safety Committee Chairwoman Murren reported that a third fence installer had been met with in order to get a bid for a fence surrounding the parking lot at the Borough building.

Councilmember Lookenbill asked how much the Police Department's electronic speed limit sign cost. Chief Woods said that it had been donated and that he hoped to have a solar panel attached to the unit in order to avoid having to constantly recharge the unit.

The basketball team seen practicing at the Fairview Park basketball court was asked to complete COVID-19 waivers in order to continue practicing on the court according to Chief Woods.

Sewer Committee Chairwoman Koontz said that she was still waiting on a cost estimate for a full servicing of McSherrystown's sewer accounts.

Solid Waste Committee: President Smith spoke about an email he received concerning the waste collection contract with Neiderer Sanitation that is set to expire in July of 2021. He said that in prior correspondence, Neiderer Sanitation said that they were not able to take on the billing responsibilities for McSherrystown, but that it could be addressed in the next contract.

Councilmember Colgan addressed the signs that had been put up at the dog park related to Mr. Messersmith's financial donation toward material costs for the water line. Following a discussion about the number of signs installed, wording, placement, size, and the manner in which the signs were installed, council decided that the matter was a zoning issue and should be referred to the Borough's zoning official. An application for a zoning permit, for which the fee could possibly be waived, should be made by Mr. Messersmith.

Solicitor George, after researching the matter, said that water shut-offs could legally take place in the Borough if residents did not pay their sewer bill. Terminations of water service for unpaid sewer balances are not currently taking place.

Participation in the bankruptcy case pending in the Southern District of New York regarding Purdue Pharma, L.P., et al. was highlighted by Solicitor George. In order to receive a potential recovery from the case, a Proof of Claim form needed to be submitted on or before July 30, 2020.

## Minutes – Borough Council Meeting – July 29, 2020

Councilmember Koontz moved a motion to have Solicitor George’s law firm, Salzmann Hughes P.C. file a proof of claim in the Purdue Pharma, L.P. bankruptcy case. She was seconded by Councilmember Lookenbill.

Roll call vote results were as follows:

William F. Smith (Yes)  
Daniel P. Colgan (Yes)  
Lisa B. Koontz (Yes)  
Mark A. Lookenbill (Yes)  
Joyce E. Murren (Yes)  
Stephen J. Pascoe (Absent)  
Joseph E. VonSas (Yes)

With a majority vote, the motion carried.

Secretary/Treasurer Walmer reported that he had received a new estimate from General Code to update the Borough Code Books. The current estimate range to update the code books is between \$2,930 - \$3,770, which includes three ordinances. Secretary/Treasurer Walmer is to get a quote for the updating only one code book.

Secretary/Treasurer Walmer requested the approval to order 5,000 garbage billing postcards at a cost of \$400.60.

Councilmember Koontz moved a motion to approve the ordering of 5,000 garbage billing cards at a price of \$400.60. She was seconded by Councilmember Murren.

Roll call vote results were as follows:

William F. Smith (Yes)  
Daniel P. Colgan (Yes)  
Lisa B. Koontz (Yes)  
Mark A. Lookenbill (Yes)  
Joyce E. Murren (Yes)  
Stephen J. Pascoe (Absent)  
Joseph E. VonSas (Yes)

With a majority vote, the motion carried.

### **Public Participation:**

There was no public participation.

### **Unfinished Business:**

## Minutes – Borough Council Meeting – July 29, 2020

The adoption of Robert’s Rules of Order was discussed. Solicitor George advised that Council could make its own rules. He will advise Council on the matter by providing a sample of rules that could be adopted.

Councilmember Koontz said that she had spoken with Julia Hancock and a representative with the Office of Aging regarding the homeschooling group’s request to use the Senior Center for classes. According to Councilmember Koontz, the homeschooling group is not an organized nonprofit. A discussion ensued regarding insurance liability, but it was determined that the rental agreement to be signed by the group was also a Hold Harmless agreement.

Councilmember Koontz moved a motion allow Julia Hancock’s homeschooling group to use the Senior Center for a ten-week period at a rate of \$50. She was seconded by Councilmember Lookenbill.

Roll call vote results were as follows:

William F. Smith (Yes)  
Daniel P. Colgan (Yes)  
Lisa B. Koontz (Yes)  
Mark A. Lookenbill (Yes)  
Joyce E. Murren (Yes)  
Stephen J. Pascoe (Absent)  
Joseph E. VonSas (Yes)

With a majority vote, the motion carried.

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### **New Business:**

President Smith spoke about a separation agreement with former Manager Cook. Upon retirement, Manager Cook had approximately one hundred twenty (120) hours of unused sick time remaining. As payment for consulting services, Manager Cook requested to be paid the remaining balance of his sick time. President Smith noted that since Manager Cook’s departure, there has been internal and external assistance with duties formerly performed by Manager Cook. Therefore, he advocated, as discussed by the Personnel Committee, that former Manager Cook should receive payment for one-half his remaining sick time totaling sixty (60) hours. No consulting services would be required as a condition of this payment.

Councilmember Lookenbill moved a motion to pay former Manager Scott Cook sixty (60) hours of his remaining sick time with no expectation of consulting services. He was seconded by Councilmember Colgan.

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Minutes – Borough Council Meeting – July 29, 2020

William F. Smith (Yes)  
Daniel P. Colgan (Yes)  
Lisa B. Koontz (Yes)  
Mark A. Lookenbill (Yes)  
Joyce E. Murren (Yes)  
Stephen J. Pascoe (Absent)  
Joseph E. VonSas (Yes)

With a majority vote, the motion carried.

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**Public Participation:**

There was no public participation.

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Adjournment was declared by President Smith at 8:44pm.

Gerald C. Walmer  
Borough Secretary